

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8566 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE D.H.WAGHELA

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO

JAGDISHKUMAR NATUBHAI JADAV

Versus

CHIEF OFFICER/ PRESIDENT

Appearance:

1. Special Civil Application No. 8566 of 2000
MR JK PARMAR for Petitioner
MR YV SHAH for Respondent No. 1
NOTICE SERVED BY DS for Respondent No. 2, 7
UNSERVED-REFUSED (N) for Respondent No. 4
 2. Special Civil ApplicationNo 8762 of 2000
MR JK PARMAR for Petitioner
NOTICE SERVED BY DS for Respondent No. 2, 7
UNSERVED-REFUSED (N) for Respondent No. 4
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CORAM : MR.JUSTICE D.H.WAGHELA

Date of decision: 17/10/2000

ORAL JUDGEMENT

#. Rule. The Learned Counsel for the respondent no.1 waives service of rule. The Learned Counsel for the petitioner deletes respondent nos.4 and 5 as respondent.

#. Leave to amend as the respondent has no objection to the workmen at Serial No.2 to 81 in the draft amendment being joined as petitioners. It is submitted on behalf of the petitioner that all the petitioners have been working under the respondent no.1 Nagarpalika and that they had gone on strike, as a result of which the work of the petitioners was entrusted to contractors.

#. The learned counsel for the respondent no.1 submits that about 57 persons from among the petitioners were directly or indirectly working under the respondent Nagarpalika and they had gone on illegal strike. The respondent Nagarpalika has no objection to re-employing such of the petitioners who have worked under the Nagarpalika and who would report for duty on or before 30.10.2000. The statement is made that such of the petitioners as may report for duty by 30.10.2000 shall be employed on the same terms on which they had worked earlier. The respondent Nagarpalika also has no objection subject to its rights and contentions, if any of the petitioners seek other remedies or reliefs in any other forum under the Industrial Disputes Act. Accordingly, it is ordered that the respondent Nagarpalika shall abide by the statement and the learned counsel for the petitioner having accepted the statement and this order, no further orders are required in this matter. Accordingly, the petition is partly allowed. Rule is made absolute with no order as to costs. D.S. permitted.

kks